

117TH CONGRESS  
2D SESSION

# S. 3405

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## AN ACT

To require the Federal Communications Commission to issue a rule providing that certain low power television stations may be accorded primary status as Class A television licensees, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Low Power Protection  
3 Act”.

4 **SEC. 2. LOW POWER TV STATIONS.**

5 (a) DEFINITIONS.—In this section—

6 (1) the term “Commission” means the Federal  
7 Communications Commission;

8 (2) the term “Designated Market Area”  
9 means—

10 (A) a Designated Market Area determined  
11 by Nielsen Media Research or any successor en-  
12 tity; or

13 (B) a Designated Market Area under a  
14 system of dividing television broadcast station  
15 licensees into local markets using a system that  
16 the Commission determines is equivalent to the  
17 system established by Nielsen Media Research;  
18 and

19 (3) the term “low power TV station” has the  
20 meaning given the term “digital low power TV sta-  
21 tion” in section 74.701 of title 47, Code of Federal  
22 Regulations, or any successor regulation.

23 (b) PURPOSE.—The purpose of this section is to pro-  
24 vide low power TV stations with a limited window of op-  
25 portunity to apply for the opportunity to be accorded pri-  
26 mary status as Class A television licensees.

1 (c) RULEMAKING.—

2 (1) IN GENERAL.—Not later than 90 days after  
3 the date of enactment of this Act, the Commission  
4 shall issue a notice of proposed rulemaking to issue  
5 a rule that contains the requirements described in  
6 this subsection.

7 (2) REQUIREMENTS.—

8 (A) IN GENERAL.—The rule with respect  
9 to which the Commission is required to issue  
10 notice under paragraph (1) shall provide that,  
11 during the 1-year period beginning on the date  
12 on which that rule takes effect, a low power TV  
13 station may apply to the Commission to be ac-  
14 corded primary status as a Class A television li-  
15 censee under section 73.6001 of title 47, Code  
16 of Federal Regulations, or any successor regula-  
17 tion.

18 (B) CONSIDERATIONS.—The Commission  
19 may approve an application submitted under  
20 subparagraph (A) if the low power TV station  
21 submitting the application—

22 (i) satisfies—

23 (I) section 336(f)(2) of the Com-  
24 munications Act of 1934 (47 U.S.C.  
25 336(f)(2)) and the rules issued under

1 that section, including the require-  
2 ments under such section 336(f)(2)  
3 with respect to locally produced pro-  
4 gramming, except that, for the pur-  
5 poses of this subclause, the period de-  
6 scribed in the matter preceding sub-  
7 clause (I) of subparagraph (A)(i) of  
8 such section 336(f)(2) shall be con-  
9 strued to be the 90-day period pre-  
10 ceeding the date of enactment of this  
11 Act; and

12 (II) paragraphs (b), (c), and (d)  
13 of 73.6001 of title 47, Code of Fed-  
14 eral Regulations, or any successor  
15 regulation;

16 (ii) demonstrates to the Commission  
17 that the Class A station for which the li-  
18 cense is sought will not cause any inter-  
19 ference described in section 336(f)(7) of  
20 the Communications Act of 1934 (47  
21 U.S.C. 336(f)(7)); and

22 (iii) as of the date of enactment of  
23 this Act, operates in a Designated Market  
24 Area with not more than 95,000 television  
25 households.

1           (3) APPLICABILITY OF LICENSE.—A license  
2           that accords primary status as a Class A television  
3           licensee to a low power TV station as a result of the  
4           rule with respect to which the Commission is re-  
5           quired to issue notice under paragraph (1) shall—

6                   (A) be subject to the same license terms  
7                   and renewal standards as a license for a full  
8                   power television broadcast station, except as  
9                   otherwise expressly provided in this subsection;  
10                  and

11                   (B) require the low power TV station to  
12                   remain in compliance with paragraph (2)(B)  
13                   during the term of the license.

14           (d) REPORTING.—Not later than 1 year after the  
15           date of enactment of this Act, the Commission shall sub-  
16           mit to the Committee on Commerce, Science, and Trans-  
17           portation of the Senate and the Committee on Energy and  
18           Commerce of the House of Representatives a report re-  
19           garding the implementation of this section, which shall in-  
20           clude—

21                   (1) a list of the current, as of the date on which  
22                   the report is submitted, licensees that have been ac-  
23                   corded primary status as Class A television licensees;  
24                   and

1           (2) of the licensees described in paragraph (1),  
2           an identification of each such licensee that has been  
3           accorded the status described in that paragraph be-  
4           cause of the implementation of this section.

5           (e) **RULE OF CONSTRUCTION.**—Nothing in this sec-  
6           tion may be construed to affect a decision of the Commis-  
7           sion relating to completion of the transition, relocation,  
8           or reimbursement of entities as a result of the systems  
9           of competitive bidding conducted pursuant to title VI of  
10          the Middle Class Tax Relief and Job Creation Act of 2012  
11          (47 U.S.C. 1401 et seq.), and the amendments made by  
12          that title, that are collectively commonly referred to as the  
13          “Television Broadcast Incentive Auction”.

Passed the Senate December 21, 2022.

Attest:

*Secretary.*



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